

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SEAN KULL,

Plaintiff,

v.

JO ANNE BARNHART,

Defendant.

3:06-cv-0239-BES-RAM

**ORDER**

Before the Court is the Report and Recommendation of the United States Magistrate Judge ("Report and Recommendation") (#14) entered on August 24, 2007, in which the Magistrate Judge recommends that this Court enter an order granting Plaintiff's Motion for Reversal of the Commissioner's Decision (#11). It was further recommended that Defendant's Cross Motion to Affirm Commissioner's Decision (#12) be denied and that the decision of the Administrative Law Judge ("ALJ") be reversed and remanded for further proceedings consistent with the terms of the Recommendation. Defendant Michael J. Astrue, the Commissioner of Social Security ("Astrue") filed an objection to the Report and Recommendation (# 15).<sup>1</sup> Plaintiff Sean Kull ("Kull") did not respond.

The Court has conducted a *de novo* review of the record in this case, considering fully all relevant matters of record pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule IB 3-2. After a review and determination in accordance with the requirements of 28 U.S.C. § 636 and applicable case law, and good cause appearing,

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<sup>1</sup>On February 17, 2007, Michael J. Astrue became the Commissioner of Social Security and is substituted for Commissioner Jo Anne B. Barnhart as the defendant pursuant to Fed.R.Civ.P. 25(d)(1).

1 IT IS THEREFORE ORDERED that the Magistrate Judge's Report and  
2 Recommendation (#14) entered on August 24, 2007, is adopted and accepted without  
3 modification. Thus, in accordance with the Report and Recommendation, Plaintiff's Motion  
4 for Remand of the Commissioner's Decision (#11) is GRANTED.

5 IT IS FURTHER ORDERED that Defendant's Cross-Motion to Affirm (#12) is DENIED,  
6 and the decision of the ALJ be REVERSED and REMANDED for further proceedings  
7 consistent with the terms of the Recommendation. The Clerk shall enter judgment  
8 accordingly.

9 IT IS SO ORDERED.

10 DATED: This 7<sup>th</sup> day of November, 2007.

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13 UNITED STATES DISTRICT JUDGE  
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